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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 729

02/01/2017 Authored by Fenton, O'Driscoll and Nelson
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to elections; making changes to provisions related to the administration
1.3 of elections; making technical changes; amending Minnesota Statutes 2016, sections
1.4 123B.09, subdivision 5b; 204B.09, subdivision 3; 204B.13, subdivision 1; 204B.16,
1.5 subdivision 1a; 204C.32, subdivision 2; 204C.33, subdivision 3; 205.07, subdivision
1.6 1; 205A.05, subdivision 2; 208.04, subdivision 1.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2016, section 123B.09, subdivision 5b, is amended to read:

1.9 Subd. 5b. **Appointments to fill vacancies; special elections.** (a) Any vacancy on the
1.10 board, other than a vacancy described in subdivision 4, must be filled by board appointment
1.11 at a regular or special meeting. The appointment shall be evidenced by a resolution entered
1.12 in the minutes and shall be effective 30 days following adoption of the resolution, subject
1.13 to paragraph (b). If the appointment becomes effective, it shall continue until an election is
1.14 held under this subdivision. All elections to fill vacancies shall be for the unexpired term.
1.15 A special election to fill the vacancy must be held no later than the first Tuesday after the
1.16 first Monday in November following the vacancy. If the vacancy occurs less than 90 days
1.17 prior to the first Tuesday after the first Monday in November in the year in which the vacancy
1.18 occurs, the special election must be held no later than the first Tuesday after the first Monday
1.19 in November of the following calendar year. If the vacancy occurs less than 90 days prior
1.20 to the first Tuesday after the first Monday in November in the third year of the term, no
1.21 special election is required. If the vacancy is filled by a special election, the person elected
1.22 at that election for the ensuing term shall take office immediately after receiving the
1.23 certificate of election, filing the bond, and taking the oath of office.

2.1 (b) An appointment made under paragraph (a) shall not be effective if a petition to reject  
 2.2 the appointee is filed with the school district clerk. To be valid, a petition to reject an  
 2.3 appointee must be signed by a number of eligible voters residing in the district equal to at  
 2.4 least five percent of the total number of voters voting in the district at the most recent state  
 2.5 general election, and must be filed within 30 days of the board's adoption of the resolution  
 2.6 making the appointment. If a valid petition is filed according to the requirements of this  
 2.7 paragraph, the appointment by the school board is ineffective and the board must name a  
 2.8 new appointee as provided in paragraph (a).

2.9 Sec. 2. Minnesota Statutes 2016, section 204B.09, subdivision 3, is amended to read:

2.10 Subd. 3. **Write-in candidates.** (a) A candidate for county, state, or federal office who  
 2.11 wants write-in votes for the candidate to be counted must file a written request with the  
 2.12 filing office for the office sought not more than 84 days before the primary and no later  
 2.13 than the seventh day before the general election. The filing officer shall provide copies of  
 2.14 the form to make the request. No written request shall be accepted later than 5:00 p.m. on  
 2.15 the last day for filing a written request.

2.16 (b) A candidate for president of the United States who files a request under this  
 2.17 subdivision must include the name of a candidate for vice-president of the United States.  
 2.18 The request must also include the name of at least one candidate for presidential elector.  
 2.19 The total number of names of candidates for presidential elector on the request may not  
 2.20 exceed the total number of electoral votes to be cast by Minnesota in the presidential election.

2.21 (c) A candidate for governor who files a request under this subdivision must include the  
 2.22 name of a candidate for lieutenant governor.

2.23 Sec. 3. Minnesota Statutes 2016, section 204B.13, subdivision 1, is amended to read:

2.24 Subdivision 1. **Partisan office.** (a) A vacancy in nomination for a partisan office must  
 2.25 be filled in the manner provided by this section. A vacancy in nomination exists for a partisan  
 2.26 office when a major political party candidate who has been nominated in accordance with  
 2.27 section 204D.03, subdivision 3, or 204D.10, subdivision 1:

2.28 (1) dies;

2.29 (2) withdraws by filing an affidavit of withdrawal, as provided in paragraph (b), at least  
 2.30 one day prior to the general election with the same official who received the affidavit of  
 2.31 candidacy; or

3.1 (3) is determined to be ineligible to hold the office the candidate is seeking, pursuant to  
 3.2 a court order issued under section 204B.44.

3.3 (b) An affidavit of withdrawal filed under paragraph (a), clause ~~(3)~~ (2), must state that  
 3.4 the candidate has been diagnosed with a catastrophic illness that will permanently and  
 3.5 continuously incapacitate the candidate and prevent the candidate from performing the  
 3.6 duties of the office sought, if elected. The affidavit must be accompanied by a certificate  
 3.7 verifying the candidate's illness meets the requirements of this paragraph, signed by at least  
 3.8 two licensed physicians. The affidavit and certificate may be filed by the candidate or the  
 3.9 candidate's legal guardian.

3.10 Sec. 4. Minnesota Statutes 2016, section 204B.16, subdivision 1a, is amended to read:

3.11 Subd. 1a. **Notice to voters.** If the location of a polling place has been changed, the  
 3.12 governing body establishing the polling place shall send to every affected household with  
 3.13 at least one registered voter in the precinct a nonforwardable mailed notice stating the  
 3.14 location of the new polling place at least 25 days before the next election. The secretary of  
 3.15 state shall prepare a sample of this notice. A notice that is returned as undeliverable must  
 3.16 be forwarded immediately to the county auditor. This subdivision does not apply to a polling  
 3.17 place location that is changed on election day under section ~~204B.17~~ 204B.175.

3.18 Sec. 5. Minnesota Statutes 2016, section 204C.32, subdivision 2, is amended to read:

3.19 Subd. 2. **State canvass.** The State Canvassing Board shall meet ~~at the secretary of state's~~  
 3.20 ~~office~~ at a public meeting space located in the Capitol complex area seven days after the  
 3.21 state primary to canvass the certified copies of the county canvassing board reports received  
 3.22 from the county auditors. Immediately after the canvassing board declares the results, the  
 3.23 secretary of state shall certify the names of the nominees to the county auditors. The secretary  
 3.24 of state shall mail to each nominee a notice of nomination.

3.25 Sec. 6. Minnesota Statutes 2016, section 204C.33, subdivision 3, is amended to read:

3.26 Subd. 3. **State canvass.** The State Canvassing Board shall meet ~~at the secretary of state's~~  
 3.27 ~~office~~ at a public meeting space located in the Capitol complex area on the third Tuesday  
 3.28 following the state general election to canvass the certified copies of the county canvassing  
 3.29 board reports received from the county auditors and shall prepare a report that states:

3.30 ~~(a)~~ (1) the number of individuals voting in the state and in each county;

3.31 ~~(b)~~ (2) the number of votes received by each of the candidates, specifying the counties  
 3.32 in which they were cast; and

4.1 (e) (3) the number of votes counted for and against each constitutional amendment,  
 4.2 specifying the counties in which they were cast.

4.3 All members of the State Canvassing Board shall sign the report and certify its  
 4.4 correctness. The State Canvassing Board shall declare the result within three days after  
 4.5 completing the canvass.

4.6 Sec. 7. Minnesota Statutes 2016, section 205.07, subdivision 1, is amended to read:

4.7 Subdivision 1. **Date of election.** The municipal general election in each city shall be  
 4.8 held on the first Tuesday after the first Monday in November in every even-numbered year.  
 4.9 Notwithstanding any provision of law to the contrary and subject to the provisions of this  
 4.10 section, the governing body of a city may, by ordinance passed at a regular meeting held  
 4.11 ~~before June 1 of any year, elect to~~ at least 180 calendar days before the first day to file for  
 4.12 candidacy in the next municipal election, decide to hold the election on the first Tuesday  
 4.13 after the first Monday in November in ~~each~~ either an even- or odd-numbered year. A city  
 4.14 may hold elections in either the even-numbered year or the odd-numbered year, but not  
 4.15 both. When a city changes its elections from one year to another, and does not provide for  
 4.16 the expiration of terms by ordinance, the term of an incumbent expiring at a time when no  
 4.17 municipal election is held in the months immediately prior to expiration is extended until  
 4.18 the date for taking office following the next scheduled municipal election. If the change  
 4.19 results in having three council members to be elected at a succeeding election, the two  
 4.20 individuals receiving the highest vote shall serve for terms of four years and the individual  
 4.21 receiving the third highest number of votes shall serve for a term of two years. To provide  
 4.22 an orderly transition to the odd or even year election plan, the governing body of the city  
 4.23 may adopt supplementary ordinances regulating initial elections and officers to be chosen  
 4.24 at the elections and shortening or lengthening the terms of incumbents and those elected at  
 4.25 the initial election. The term of office for the mayor may be either two or four years. The  
 4.26 term of office of council members is four years. Whenever the time of the municipal election  
 4.27 is changed, the city clerk immediately shall notify in writing the county auditor and secretary  
 4.28 of state of the change of date. Thereafter the municipal general election shall be held on the  
 4.29 first Tuesday after the first Monday in November in each odd-numbered or even-numbered  
 4.30 year until the ordinance is revoked and notification of the change is made. A municipal  
 4.31 general election scheduled to be held in an odd-numbered year may be postponed for  
 4.32 inclement weather as provided in section 205.105.

5.1 Sec. 8. Minnesota Statutes 2016, section 205A.05, subdivision 2, is amended to read:

5.2 Subd. 2. **Vacancies in school district offices.** Special elections to fill vacancies in  
5.3 elective school district offices shall be held in school districts pursuant to section ~~123B.095~~  
5.4 123B.09. When more than one vacancy exists in an office elected at-large, voters must be  
5.5 instructed to vote for up to the number of vacancies to be filled.

5.6 Sec. 9. Minnesota Statutes 2016, section 208.04, subdivision 1, is amended to read:

5.7 Subdivision 1. **Form of presidential ballots.** When presidential electors and alternates  
5.8 are to be voted for, a vote cast for the party candidates for president and vice president shall  
5.9 be deemed a vote for that party's electors and alternates as filed with the secretary of state.  
5.10 The secretary of state shall certify the names of all duly nominated presidential and vice  
5.11 presidential candidates to the county auditors of the counties of the state. Each county  
5.12 auditor, subject to the rules of the secretary of state, shall cause the names of the candidates  
5.13 of each major political party and the candidates nominated by petition to be ~~printed in capital~~  
5.14 ~~letters~~, set in type of the same size and style as for candidates on the state general election  
5.15 ballot, before the party designation. To the left of, and on the same line with the names of  
5.16 the candidates for president and vice president, near the margin, shall be placed ~~a square or~~  
5.17 ~~box~~ an oval or similar target shape, in which the voters may indicate their choice ~~by marking~~  
5.18 ~~an "X."~~.

5.19 The form for the presidential ballot and the relative position of the several candidates  
5.20 shall be determined by the rules applicable to other state officers. The state ballot, with the  
5.21 required heading, shall be printed on the same piece of paper and shall be below the  
5.22 presidential ballot with a blank space between one inch in width.